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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

FILED:
DATE FILED: 11-08

Plaintiff,

07-Civ-8829 (NRB)

- against -

CIGNA GROUP INSURANCE and CIGNA LIFE
INSURANCE COMPANY OF NEW YORK.

STIPULATION TO AMEND
COMPLAINT

Defendants:

WHEREAS, the undersigned counsel stipulated to an extension of time for Defendant CIGNA Life Insurance Company of New York (CLICNY) to answer, move, or otherwise respond to Plaintiff Richard Collins's Complaint in this action up to and including December 21, 2007

WHEREAS, the undersigned counsel stipulated to a second extension of time for Defendant CLICNY to answer, move, or otherwise respond to Plaintiff's Complaint in this action up to and including January 4, 2008.

IT IS STIPULATED AND AGREED, by and among the undersigned counsel that Plaintiff will amend his Complaint to reflect CLICNY as the *only* defendant and the first count for an "ERISA violation" as the *only* count pleaded against CLICNY in this action. Plaintiff agrees to voluntarily dismiss CIGNA Group Insurance *with* prejudice. Plaintiff also agrees to voluntarily dismiss his second count as currently pleaded ("breach of contract") *with* prejudice, as well as his third count as currently pleaded ("statutory action pursuant to New York Insurance Law section 2601") *without* prejudice. CLICNY agrees to answer Plaintiff's Amended Complaint within ten (10) days of service.

IT IS FURTHER STIPULATED AND AGREED, by and among the undersigned counsel

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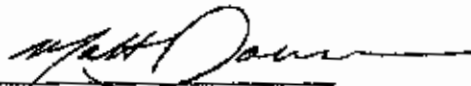
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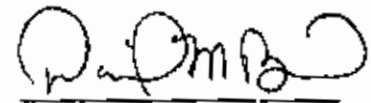
that under certain offset provisions within the long-term disability policy that is the subject of this action, as well as a related reimbursement agreement between Plaintiff and CLICNY, Plaintiff is presently indebted to CLICNY in the approximate amount of \$33,000 for an overpayment in benefits paid to Plaintiff by CLICNY from May 2003 to August 2004 due to a Social Security Disability Insurance award received by Plaintiff. Plaintiff agrees that any recovery resulting from adjudication or settlement of this action will be reduced by the exact amount of this overpayment.

Dated. White Plains, New York
December 28, 2007

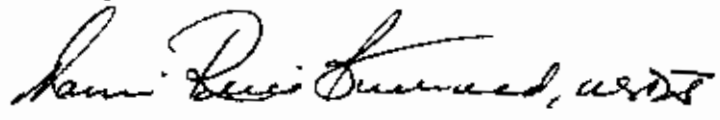
By


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So Ordered:


January 4, 2008

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